

such exchanges, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

DWYER, Acting Chairman.

Austin, Texas, May 2, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 191, "An Act to provide for the chartering of non-profit corporations to be organized for the purpose of furnishing group hospital service, and to provide for the methods of operation, regulation and supervision of such corporations and of their contracts; providing exemption from Title 78 of the Revised Civil Statutes of 1925, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 118, Granting Hon. J. D. Stephenson, Judge of the 66th Judicial District of Texas, permission to leave the State.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 1, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 120, Requesting that a new Battleship soon to be constructed and completed by the Federal Government be named "The Battleship Texas."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

May 2, 1939

House Bill No. 224.

House Bill No. 191.

House Bill No. 84.

House Bill No. 333.

House Concurrent Resolution No. 120.

House Concurrent Resolution No. 118.

SIXTY-SIXTH DAY

(Continued)

(Wednesday, May 3, 1939)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Morse.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, as we look upon the beauties by which we are surrounded, and enjoy the blessings of peace and liberty, as so many in the world do not, we praise Thy name for Thy leadership and goodness. If it be Thy will may the clouds be dispersed and unholy ambition be rebuked without war. We feel our own weakness today. Be Thou our strength. For Christ's sake. Amen."

LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Derden was granted leave of absence for today on account of important business, on motion of Mr. Skiles

BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Loggins, House Bills Nos. 1012 and 1052 were ordered not printed.

On motion of Mr. Faulkner, House Bill No. 1049 was ordered not printed.

(Mr. Leonard in the Chair.)

HOUSE CONCURRENT RESOLUTION NO. 72 WITH SENATE AMENDMENTS

Mr. Harp called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 72, To grant L. L. White permission to sue the State.

On motion of Mr. Harp, the House concurred in the Senate amendments, by the following vote:

Yeas—133

Allison

Alsup

Anderson

Bailey

Baker

of Fort Bend

Baker of Grayson	Kerr
Bell	Kersey
Roethel	Kinard
Boyd	King
Boyer	Langdon
Bradbury	Lehman
Bradford	Leyendecker
Bray	Little
Bridgers	Lock
Broadfoot	London
Brown of Cherokee	Mays
Bundy	McAlister
Burkett	McDaniel
Cauthorn	McDonald
Celaya	McFarland
Chambers	McNamara
Clark	Mohrmann
Cleveland	Monkhouse
Cockrell	Montgomery
Coleman	Morris
Colquitt	Newell
Colson, Mrs.	Nicholson
Cornett	Oliver
Corry	Pace
Crossley	Petsch
Davis of Jasper	Pevehouse
Davis of Upshur	Piner
Dickison	Pope
Dickson	Reader of Bexar
Donaghey	Reader of Erath
Dowell	Reaves
Dwyer	Reed
Faulkner	Rhodes
Felty	Riviere
Ferguson	Roach
Fielden	Roberts
Fuchs	Robinson
Galbreath	Russell
Gilmer	Schuenemann
Goodman	Segrist
Gordon, Mrs.	Shell
Hale	Skiles
Hamilton	Smith of Frio
Hankamer	Smith of Hopkins
Hardeman	Smith
Hardin	of Matagorda
Harp	Spencer
Harper	Stinson
Harrell of Bastrop	Talbert
Harrell of Lamar	Tarwater
Harris	Taylor
Hartzog	Tennant
Heflin	Thornberry
Holland	Thornton
Howard	Turner
Howington	Vale
Hull	Voigt
Hunt	Waggoner
Isaacks	Weldon
Johnson of Ellis	Wells
Johnson of Tarrant	Westbrook
Kennedy	Wilson
Kern	Winfree

Wood	Wright
Worley	
Nays—2	
Allen	Stoll
Present—Not Voting	
Brown	
of Nacogdoches	
Absent	
Blankenship	Loggins
Bond	McMurry
Burney	Ragsdale
Dean	Vint
Keith	White
Present—Not Voting	
Daniel	Derden

(Speaker in the Chair.)

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 32, A bill to be entitled "An Act fixing the maximum daily volume of sweet gas which may be withdrawn from any common reservoir in this State producing sweet gas, directing the Railroad Commission of Texas to inquire into the production of sweet gas to determine whether or not drainage is taking place, etc., and directing the Commission to limit the production of sweet gas to the demand therefor for lawful uses, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 72, To grant L. L. White permission to sue the State.

H. C. R. No. 123, Extending congratulations and greetings of the Legislature.

H. B. No. 622, "An Act amending Section 2, Article 2326e of the Re-

vised Civil Statutes of Texas, 1925, as amended, providing for 'salaries of reporters in certain counties,' so that the same shall hereafter read as follows:"

H. B. No. 929, "An Act to prohibit cities, towns and villages from dedicating or establishing thoroughfares or public streets and/or alleys through certain parks commonly known as amusement parks and to prevent general vehicular traffic through same and permitting cities, towns and villages to otherwise regulate vehicular traffic in parks; repealing all laws and parts of laws in conflict, and declaring an emergency."

H. B. No. 679, "An Act to amend Article 7255 of the Revised Civil Statutes of 1925, by providing that the Commissioners' Court of a county may order the Tax Assessor and Collector of said County to post notices in each voting or justice precincts in said County of the date when said Assessor and Collector of Taxes will meet with taxpayers in said precinct for the purpose of receiving taxes, and declaring an emergency."

H. B. No. 885, "An Act authorizing County Commissioners' Courts and the City Commission of any incorporated town to lease or rent office space for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief of the unemployed and needy people in the State of Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas and water; to pay for such leases, rentals and utilities out of the General Fund when in the opinion of a majority of the Commissioners' Court such is essential to the proper administration of such agencies of either the State or Federal Governments; providing for the validation of all actions, proceedings, orders and contract for such rentals, leases or utility bills heretofore made by any Commissioners' Court; providing that if any part of this Act shall ever be held unconstitutional, such holding shall not affect the validity of the remaining portions of the Act, and declaring an emergency."

H. B. No. 698, "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Parker County

for a period of four (4) years from and after the passage of this Act; providing for the protection of pastures, crops and/or gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

H. B. No. 939, "An Act amending Article 6625 of the 1925 Revised Civil Statutes of Texas by adding thereto a new Article 6625a providing for the recording of certified copies of instruments effecting real estate which have been previously filed for record without the State of Texas or in counties other than those in which such real estate is located, and declaring an emergency."

H. B. No. 715, "An Act amending Article 199, Revised Civil Statutes of Texas, 1925, as amended by the Forty-fifth Legislature, Regular Session, Senate Bill No. 431, insofar as the same relates to the 76th Judicial District composed of Titus, Franklin, Camp, Morris and Marion Counties; providing certain changes in the terms for said Counties providing that any court in session at the time this Act becomes effective shall close its term in conformity herewith; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 893, "An Act authorizing the Commissioners' Court of counties having a population of not less than two hundred and ninety thousand (290,000) inhabitants and not more than three hundred and twenty thousand (320,000), according to the last preceding Federal Census, to appoint a County Building Inspector and assistants, providing for the payment of salary to such appointees, providing for the issuance of building permits by such Inspector, and authorizing a charge therefor, exempting Federal, State, county, city governments and other political subdivisions thereof from the provisions of this Act, prescribing penalties for failure to secure permits, and declaring an emergency."

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 12

The Speaker laid before the House, as pending business,

S. J. R. No. 12, Proposing an amendment to Article 3 of the Constitution of the State of Texas by adding thereto a Section to be known as

Section 51-E, the purpose of which is to provide for the assessment and collection of a Social Security Tax.

The resolution having been read second time on yesterday with committee amendment offered by Mr. Taylor, pending.

Mr. Hunt offered the following amendment to the committee amendment:

Amend committee amendment to Senate Joint Resolution No. 12, Section 15, by adding a new paragraph to the end of said Section reading as follows:

"In the event this provision of the Constitution is re-affirmed at the general election in 1942 and remains in effect, then and in such case this entire amendment shall be re-submitted at the general election in 1946 in the same manner as it was submitted at the general election in 1942; and in the event the amendment is not re-adopted at the general election in 1946, then and in such case this entire amendment to the Constitution shall expire on September 1, 1947; and in the event that such amendment is re-adopted at the general election in 1946, then the same shall be automatically re-submitted to the qualified electors of the State at the general election every ten (10) years in the same manner as it was submitted in 1946; and in case the same fails at re-adoption at any such election then this entire amendment to the Constitution shall become inoperative on September 1 of the next succeeding year."

HUNT,
BRADBURY,
SMITH of Matagorda,
McDANIEL,
WHITE,
READER of Bexar.

Mr. Holland offered the following substitute for the amendment by Mr. Hunt:

Amend committee amendment to Senate Joint Resolution No. 12, page 9 of the printed copy, by striking out all of Section 15, and inserting in lieu thereof the following:

"Section 15. Upon petitions filed with the Secretary of State, signed by no less than ten (10) per cent of the qualified voters of the State, taking the votes cast for Governor at the last preceding general election as the basis for determining the

qualified voters of the State, the Governor shall call an election at which shall be submitted the following matter:

"For the continuance of social security taxes under the terms of Section 51-E of the Constitution as adopted in the year 1939."

"Against the continuance of social security taxes under the terms of Section 51-E of the Constitution as adopted in the year 1939."

In the event the majority of votes cast at any such election favor the continuance of such taxes, they shall be continued; in the event a majority of the votes cast at any such election are against the continuance of such taxes, they shall not thereafter be collected unless restored by a majority vote at subsequent elections pursuant to the filing of such petitions hereinabove provided for; provided, however, that the elections herein provided shall not be held oftener than once every two (2) years. This provision shall be self-enacting."

HOLLAND,
LANGDON,
TALBERT.

(Mr. Leonard in the Chair.)

On motion of Mr. Thornton, the substitute amendment by Mr. Holland was tabled.

Mr. Langdon offered the following substitute for the amendment by Mr. Hunt:

Amend committee amendment to Senate Joint Resolution No. 12, Section 15, by adding a new paragraph to the end of said Section reading as follows:

"In the event this provision of the Constitution is re-affirmed at the general election in 1942 and remains in effect, then and in such case this entire amendment shall be re-submitted at the general election in 1946 in the same manner as it was submitted at the general election in 1942; and in the event the amendment is not re-adopted at the general election in 1946, then and in such case this entire amendment to the Constitution shall expire on September 1, 1947; and in the event that such amendment is re-adopted at the general election in 1946, then the same shall be automatically re-submitted to the qualified electors of the State at the general election every four (4) years in the same manner as it was submitted in

1946; and in case the same fails at re-adoption at any such election then this entire amendment to the Constitution shall become inoperative on September 1 of the next succeeding year."

LANGDON,
HOLLAND.

Mr. Bradbury moved to table the substitute amendment by Mr. Langdon.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—79

Allison	Johnson of Tarrant
Alsup	Kersey
Bailey	Kinard
Boyer	Little
Bradbury	Lock
Bradford	McAlister
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Bundy	McFarland
Burkett	McMurry
Burney	McNamara
Cauthorn	Monkhouse
Celaya	Montgomery
Chambers	Nicholson
Clark	Oliver
Cleveland	Pace
Cockrell	Petsch
Colquitt	Pevehouse
Corry	Pope
Crossley	Ragsdale
Davis of Jasper	Reader of Bexar
Dickson	Rhodes
Dwyer	Roberts
Faulkner	Robinson
Felty	Schuenemann
Ferguson	Shell
Fielden	Skiles
Gilmer	Smith of Frio
Goodman	Smith of Hopkins
Gordon, Mrs.	Smith
Hankamer	of Matagorda
Harp	Stinson
Harper	Taylor
Harrell of Lamar	Thornton
Harris	Turner
Hartzog	Voigt
Howard	Waggoner
Howington	Westbrook
Hull	Wilson
Hunt	Winfree

Nays—61

Allen	Baker of Grayson
Anderson	Bell
Baker	Blankenship
of Fort Bend	Boethel

Boyd	London
Bray	Mays
Bridgers	Mohrmann
Brown	Morris
of Nacogdoches	Newell
Coleman	Piner
Cornett	Reader of Erath
Davis of Upshur	Reaves
Dickison	Reed
Dowell	Riviere
Fuchs	Roach
Galbreath	Russell
Hale	Segrist
Hamilton	Spencer
Hardeman	Stoll
Harrell of Bastrop	Talbert
Heflin	Tarwater
Holland	Tennant
Isaacks	Thornberry
Johnson of Ellis	Vale
Keith	Vint
Kennedy	Weldon
Kern	Wells
Kerr	White
King	Wood
Langdon	Worley
Lehman	Wright
Leyendecker	

Absent

Bond	Donaghey
Colson, Mrs.	Hardin
Dean	Loggins

Absent—Excused

Daniel	Derden
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Question recurring on the amendment by Mr. Hunt, it was adopted.

Mr. Bradbury moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Davis of Upshur offered the following amendment to the committee amendment:

Amend Senate Joint Resolution No. 12, by striking out all of line 9 on page 3.

DAVIS of Upshur,
ISAACKS.

(Pending consideration of the amendment, Mr. Hull occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Thornton moved to table the amendment by Mr. Davis of Upshur.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—90

Allison	Johnson of Tarrant
Alsup	Kennedy
Bailey	Kersey
Blankenship	Kinard
Bond	Lehman
Boyer	Leonard
Bradbury	Little
Bradford	Lock
Bray	Loggins
Broadfoot	McAlister
Brown of Cherokee	McDaniel
Bundy	McDonald
Burkett	McFarland
Burney	McMurry
Chambers	McNamara
Clark	Monkhouse
Cleveland	Montgomery
Cockrell	Nicholson
Colquitt	Oliver
Colson, Mrs.	Pace
Corry	Petsch
Crossley	Pevehouse
Davis of Jasper	Reader of Erath
Dean	Reed
Dickson	Rhodes
Donaghey	Roach
Dwyer	Roberts
Felty	Schuenemann
Ferguson	Segrist
Fielden	Shell
Fuchs	Skiles
Gilmer	Smith of Frio
Hankamer	Smith of Hopkins
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Bastrop	Stinson
Harrell of Lamar	Taylor
Harris	Tennant
Hartzog	Thornton
Heflin	Turner
Howard	Vale
Howington	Westbrook
Hull	Wilson
Hunt	Worley
Johnson of Ellis	

Nays—53

Allen	Cauthorn
Anderson	Coleman
Baker	Cornett
of Fort Bend	Davis of Upshur
Baker of Grayson	Dickison
Bell	Dowell
Boethel	Faulkner
Boyd	Galbreath
Bridgers	Gordon, Mrs.
Brown	Hale
of Nacogdoches	Hamilton

Hardeman	Reaves
Isaacks	Riviere
Keith	Robinson
Kern	Russell
Kerr	Stoll
King	Talbert
Langdon	Tarwater
Leyendecker	Thornberry
London	Vint
Mays	Voigt
Mohrmann	Weldon
Morris	Wells
Newell	White
Piner	Winfree
Pope	Wood
Ragsdale	Wright
Reader of Bexar	

Absent

Celaya	Holland
Goodman	Waggoner

Absent—Excused

Daniel	Derden
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Mr. Lock offered the following amendment to the committee amendment:

Amend Senate Joint Resolution No. 12, committee substitute, Section 8, lines 37 and 38, by striking out the words and figures "Two Million, Five Hundred Thousand (\$2,500,000.00) Dollars", and inserting in lieu thereof the following, "the amount required".

LOCK,
FERGUSON,
DICKISON,
STINSON.

The amendment was adopted.

Mr. McAlister offered the following amendment to the committee amendment:

Amend subcommittee substitute to Senate Joint Resolution No. 12, page 4, Section 2, by striking out all of Subsections 2 and 3, and inserting in lieu thereof the following:

"(2) Upon every sale in this State for electric energy and gas (natural or artificial) by private utilities, municipalities and governmental agencies, except on sale for industrial purposes, the tax shall be two (2%) per cent of the sale price.

"(3) Upon all sales of service to telephone subscribers and others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance, and upon the sale,

rental or leasing of all equipment or services pertaining or incidental thereto in this State, the tax shall be two (2%) per cent of the sale price."

The amendment was adopted.

Mr. Smith of Matagorda offered the following amendment to the committee amendment:

Amendment to committee amendment to Senate Joint Resolution No. 12, page 9, lines 20 and 27, by adding after the words "social security taxes" the words "sales tax and natural resources taxes".

SMITH of Matagorda,
KERN.

The amendment was adopted.

Mr. Keith offered the following amendment to the committee amendment:

Amend substitute for Senate Joint Resolution No. 12, by adding thereto a new Section to be appropriately numbered, and reading as follows:

"All applicants for old age assistance under the provisions of Section 51-b of Article 3 of this Constitution, and under all laws enacted pursuant thereto, thereafter shall be ineligible to vote in any election, whether primary, general or special, at which candidates for Governor or for the Legislature are either nominated or elected."

(Mr. Thornton in the Chair.)

Mr. Kerr offered the following substitute for the amendment by Mr. Keith:

Amend substitute for Senate Joint Resolution No. 12, by adding thereto a new Section, to be appropriately numbered, and reading as follows:

"All persons whose income or a part thereof is derived from the State or Federal or municipal governments, no matter in what form or under what name, hereafter shall be ineligible to vote in any election whether primary, general or special, at which candidates for Governor or for the Legislature are either nominated or elected."

Question — Shall the substitute amendment by Mr. Kerr be adopted?

PRESENTATION OF POET LAUREATE OF THE STATE OF TEXAS

In accordance with the provisions of House Simple Resolution No. 221,

by Mr. Chambers, inviting Mrs. Lexie Dean Robertson, Poet Laureate of the State of Texas for the ensuing two years, to appear before the House at 12:15 o'clock p. m., today, the Chair announced the appointment of the following committee to escort Mrs. Robertson to the Speaker's stand: Mrs. Gordon, Mrs. Colson, and Messrs. Chambers, Crossley, Burkett, Bradbury, Clark, Howington and Reader of Erath.

The committee having escorted the visitor to the Speaker's stand, Mr. Thornton presented Mrs. Gordon, who then introduced Mrs. Lexie Dean Robertson to the House.

Mrs. Robertson then read several poems to the House.

Mrs. Gordon expressed appreciation, on behalf of the House, to Mrs. Robertson for the readings.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 32, to the Committee on Oil, Gas and Mining.

RECESS

On motion of Mr. Mays, the House, at 12:40 o'clock p. m., took recess until 2:45 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:45 o'clock p. m., and was called to order by the Speaker.

(Mr. Thornton in the Chair.)

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 12

The House resumed consideration of pending business, same being Senate Joint Resolution No. 12, Providing for assessment and collection of certain taxes for the payment of social security, etc.

The resolution having heretofore been read second time with committee amendment offered by Mr. Taylor, amendment by Mr. Keith to the committee amendment and substitute by Mr. Kerr for the amendment by Mr. Keith, pending.

Mr. Bradbury raised a point of order, on further consideration of the amendment by Mr. Keith and the substitute amendment by Mr. Kerr, on the ground that the amendments violate certain constitutional provisions.

The Chair overruled the point of order.

(Mr. Leonard in the Chair.)

Mr. Faulkner moved to table the substitute amendment by Mr. Kerr.

The motion to table prevailed.

Mr. Bradbury moved to table the amendment by Mr. Keith.

(Pending consideration of the motion to table, Mr. Boyer occupied the Chair temporarily.)

(Mr. Leonard in the Chair.)

Question recurring on the motion to table the amendment by Mr. Keith, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—127

Allen	Dowell
Allison	Dwyer
Alsup	Faulkner
Anderson	Felty
Bailey	Ferguson
Baker of Grayson	Fielden
Bell	Fuchs
Blankenship	Galbreath
Boyd	Gilmer
Boyer	Gordon, Mrs.
Bradbury	Hale
Bradford	Hamilton
Bray	Hardeman
Bridgers	Hardin
Broadfoot	Harp
Brown of Cherokee	Harper
Brown of Nacogdoches	Harrell of Bastrop
Bundy	Harrell of Lamar
Burkett	Harris
Cauthorn	Hartzog
Celaya	Heflin
Chambers	Holland
Clark	Howington
Cleveland	Hull
Cockrell	Hunt
Coleman	Isaacks
Colson, Mrs.	Johnson of Tarrant
Cornett	Kennedy
Corry	Kern
Crossley	Kerr
Daniel	Kersey
Davis of Jasper	Kinard
Dean	King
Dickison	Langdon
Donaghey	Lehman
	Leonard

Leyendecker
Little
Lock
Loggins
London
McAlister
McDaniel
McDonald
McMurry
McNamara
Mohrmann
Monkhouse
Montgomery
Morris
Newell
Nicholson
Oliver
Pace
Petsch
Pevehouse
Piner
Pope
Reader of Bexar
Reader of Erath
Reaves
Reed
Rhodes
Riviere

Roach
Roberts
Robinson
Russell
Segrist
Skiles
Smith of Frio
Smith of Hopkins
Spencer
Stinson
Talbert
Tarwater
Taylor
Tennant
Thornberry
Turner
Vale
Voigt
Waggoner
Weldon
Wells
Westbrook
White
Wilson
Winfree
Wood
Worley
Wright

Nays—10

Boethel	Keith
Burney	McFarland
Colquitt	Stoll
Davis of Upshur	Thornton
Hankamer	Vint

Absent

Baker of Fort Bend	Johnson of Ellis
Bond	Mays
Dickson	Ragsdale
Goodman	Shell
Howard	Smith of Matagorda

Absent—Excused

Derden	Schuenemann
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Mr. Hull offered the following amendment to the committee amendment:

Amend committee substitute for Senate Joint Resolution No. 12, by omitting the semi colon after the word "fund" in line 40, page 2 and inserting the following after the word "fund," "and an appropriation from the revenues obtained from the sources created in this Act not to exceed \$200,000 for each year of the next six years after January first, nineteen hundred forty-one, for the purpose of building and maintaining

necessary eleemosynary institutions. This fund to be regarded as supplementary to the regular appropriations for this purpose and subject to allocation at each Regular Session of the Texas Legislature."

Mr. Thornton moved to table the amendment by Mr. Hull.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—98

Allison	Kinard
Bailey	King
Boethel	Langdon
Boyer	Lehman
Bradbury	Leyendecker
Bradford	Little
Bray	Lock
Bridgers	Loggins
Broadfoot	Mays
Brown of Cherokee	McAlister
Bundy	McDaniel
Burkett	McDonald
Burney	McFarland
Chambers	McMurry
Clark	McNamara
Cleveland	Mohrmann
Cockrell	Montgomery
Coleman	Newell
Colquitt	Nicholson
Colson, Mrs.	Oliver
Daniel	Pace
Davis of Jasper	Petsch
Davis of Upshur	Pevehouse
Dickison	Reader of Bexar
Dickson	Reader of Erath
Donaghey	Reaves
Faulkner	Reed
Felty	Rhodes
Ferguson	Riviere
Fielden	Roach
Fuchs	Roberts
Gilmer	Robinson
Goodman	Russell
Gordon, Mrs.	Schuenemann
Hale	Shell
Hankamer	Smith of Frio
Hardeman	Stinson
Hardin	Tarwater
Harp	Taylor
Harper	Tennant
Harrell of Bastrop	Thornton
Harrell of Lamar	Turner
Hartzog	Vale
Howington	Voigt
Hunt	Waggoner
Johnson of Ellis	Wells
Kern	Westbrook
Kerr	Wilson
Kersey	Winfree

Nays—36

Allen	Keith
Alsup	Kennedy
Baker	London
of Fort Bend	Monkhouse
Bell	Morris
Blankenship	Piner
Boyd	Segrist
Brown	Skiles
of Nacogdoches	Smith of Hopkins
Cauthorn	Smith
Cornett	of Matagorda
Crossley	Spencer
Dowell	Stoll
Galbreath	Thornberry
Hamilton	Vint
Harris	Weldon
Heflin	Wood
Holland	Worley
Hull	Wright
Johnson of Tarrant	

Absent

Anderson	Howard
Baker of Grayson	Isaacks
Bond	Leonard
Celaya	Pope
Corry	Ragsdale
Dean	Talbert
Dwyer	White

Absent—Excused

Derden

Mr. Goodman offered the following amendment to the committee amendment:

Amend Senate Joint Resolution No. 12, substitute committee amendment No. 1, by striking out Section 6 on page 4, and inserting in lieu thereof, the following:

"There is hereby levied a sales tax on all oil produced within the State of three-fourths (3/4) of one (1%) per cent of the market value of said oil. Said tax shall be computed upon oil produced or salvaged out of the earth or waters of the State without deduction."

GOODMAN,
HARDEMAN,
ALLISON,
DONAGHEY,
BUNDY,
BURKETT,
CROSSLEY,
HARRIS,
NEWELL,
CLARK,
REAVES,
MONKHOUSE,
BRADFORD,

DOWELL,
ANDERSON,
DEAN,
CLEVELAND,
FIELDEN.

On motion of Mr. Petsch, the amendment by Mr. Goodman was tabled.

Mr. Riviere offered the following amendment to the committee amendment:

Amend sub-committee substitute for Senate Joint Resolution No. 12, page 8, Section 13, line 33, by inserting after the word "amendment", the words "ice for home use".

RIVIERE,
HARRIS,
NICHOLSON,
ALLISON.

Mr. Kerr offered the following substitute for the amendment by Mr. Riviere:

Amend the sub-committee substitute for Senate Joint Resolution No. 12, by striking out all of Section 13 and substituting therefor a new Section 13 to read, as follows:

"Sec. 13. There is hereby exempted from the provisions of this amendment and from the computation of the taxes levied, assessed, and payable under this amendment, all sales of newspapers and magazines; all sales of gasoline and cigarettes; all sales of beverages having an alcoholic content of more than one-half of one per cent by volume; all sales in interstate commerce to the extent, and to the extent only, that the State of Texas is prohibited by the Constitution of the United States of America from taxing such sales; all sales by or to the State of Texas or any subdivision thereof; and all sales to the United States Government; all sales involving the acquisition of tangible personal property for resale as a component part or ingredient of other tangible personal property, or for use in processing or treating other tangible personal property for sale to the ultimate consumer, or the acquisition of any tangible personal property to be manufactured, processed or refined where the product or products so manufactured, processed or refined is for resale.

"There is also exempted from the provisions of this amendment and from the computation of the taxes levied, assessed, and payable under this amendment the sale of food prod-

ucts for human consumption. Food products as used herein shall include cereals and cereal products, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices, salt, sugar and sugar products other than candy and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products other than candy and confectionery. The term 'food products' herein exempted shall not include soft drinks, sodas, or beverages such as are ordinarily dispensed at bars or soda fountains or in connection therewith, nor does the term 'food products' include the furnishing, preparing or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing or serving such tangible personal property. There is hereby specifically exempted from the provisions of this Act all medical supplies prescribed by licensed medical doctors, veterinary and human serums and vaccines, and there is hereby specifically exempted from the provisions of this Act all sales of clothing of Five (\$5.00) Dollars or less; and there is hereby specifically exempted from the provisions of this Act all sales of ice; and provided, further, that no tax shall ever be levied upon the exemption herein provided, nor upon any item upon which a sales tax is levied by virtue of this Act, for the purpose of financing any function of the State Government."

KERR,
BOYD,
RUSSELL,
LANGDON,
WORLEY,
TALBERT,
THORNBERRY,
CORNETT,
DANIEL,
WHITE,
FERGUSON,
HARRIS,
BUNDY,
FAULKNER,
READER of Erath,
HOLLAND,
ROACH,
DAVIS of Upshur.
WELLS.

(Speaker in the Chair.)

Mr. Hardemann raised a point of order, on further consideration of

Senate Joint Resolution No. 12, at this time, on the ground that the hour has arrived for the consideration of local and uncontested bills.

The Speaker sustained the point of order.

Mr. Thornton moved to suspend the Rules, relative to the consideration of local and uncontested bills at this time, in order that the House may continue to consider Senate Joint Resolution No. 12.

The motion to suspend the Rules prevailed by the following vote:

Yeas—99

Allen	Johnson of Tarrant
Allison	Kennedy
Alsup	Kern
Anderson	Kersey
Bailey	Kinard
Boyer	King
Bradbury	Lehman
Bradford	Little
Bray	Lock
Broadfoot	London
Brown of Cherokee	McAlister
Bundy	McDaniel
Burkett	McDonald
Celaya	McFarland
Chambers	McMurry
Clark	McNamara
Colquitt	Montgomery
Colson, Mrs.	Newell
Corry	Nicholson
Crossley	Oliver
Davis of Jasper	Pace
Dickson	Petsch
Donaghey	Pevehouse
Dwyer	Ragsdale
Faulkner	Reader of Bexar
Felty	Reader of Erath
Ferguson	Rhodes
Fielden	Roach
Fuchs	Roberts
Galbreath	Robinson
Gilmer	Russell
Goodman	Schuenemann
Gordon, Mrs.	Segrist
Hamilton	Shell
Hankamer	Skiles
Hardin	Smith of Frio
Harp	Smith of Hopkins
Harper	Smith of Matagorda
Harrell of Bastrop	Spencer
Harris	Stinson
Hartzog	Tarwater
Heflin	Taylor
Holland	Tennant
Howard	Thornton
Howington	Turner
Hull	Voigt
Hunt	Westbrook
Johnson of Ellis	

Wilson
Winfree

Wood
Worley

Nays—42

Baker	Langdon
of Fort Bend	Leyendecker
Baker of Grayson	Loggins
Bell	Mays
Blankenship	Mohrmann
Boethel	Monkhouse
Boyd	Morris
Brown	Piner
of Nacogdoches	Pope
Burney	Reaves
Cauthorn	Reed
Cleveland	Riviere
Cockrell	Stoll
Coleman	Talbert
Cornett	Thornberry
Davis of Upshur	Vale
Dickison	Vint
Dowell	Waggoner
Hale	Weldon
Hardeman	Wells
Keith	White
Kerr	Wright

Absent

Bond	Harrell of Lamar
Bridgers	Isaacks
Dean	Leonard

Absent—Excused

Daniel	Derden
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Mr. Thornton moved to table the substitute amendment by Mr. Kerr.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—44

Alsup	Hankamer
Bailey	Harper
Boyer	Hartzog
Bradford	Howington
Brown of Cherokee	Hull
Bundy	Johnson of Tarrant
Burkett	Little
Chambers	Lock
Clark	McAlister
Cleveland	McDaniel
Colquitt	McFarland
Corry	McMurry
Davis of Jasper	Nicholson
Dickson	Petsch
Donaghey	Ragsdale
Dwyer	Rhodes
Gilmer	Roberts
Goodman	Robinson
Hamilton	Schuenemann

Shell
Smith of Frio
Smith
of Matagorda

Taylor
Thornton
Turner

Nays—92

Allen	King
Allison	Langdon
Baker	Lehman
of Fort Bend	Leyendecker
Baker of Grayson	Loggins
Bell	London
Blankenship	Mays
Boethel	McDonald
Boyd	McNamara
Bradbury	Mohrmann
Bray	Monkhouse
Bridgers	Montgomery
Brown	Morris
of Nacogdoches	Newell
Burney	Oliver
Cauthorn	Pevehouse
Cockrell	Pope
Coleman	Reader of Bexar
Cornett	Reader of Erath
Crossley	Reaves
Daniel	Reed
Davis of Upshur	Riviere
Dickison	Roach
Dowell	Russell
Faulkner	Segrist
Ferguson	Skiles
Fielden	Smith of Hopkins
Fuchs	Spencer
Galbreath	Stinson
Gordon, Mrs.	Stoll
Hale	Talbert
Hardeman	Tarwater
Hardin	Tennant
Harp	Thornberry
Harrell of Bastrop	Vale
Harrell of Lamar	Vint
Harris	Voigt
Holland	Waggoner
Howard	Weldon
Hunt	Wells
Isaacks	Westbrook
Johnson of Ellis	White
Keith	Wilson
Kennedy	Winfree
Kern	Wood
Kerr	Worley
Kersey	Wright

Present—Not Voting

Pace

Absent

Anderson	Felty
Bond	Heflin
Broadfoot	Kinard
Celaya	Leonard
Colson, Mrs.	Piner
Dean	

Absent—Excused

Derden

Mr. McAlister moved the previous question on the amendment by Mr. Riviere and the substitute amendment by Mr. Kerr, and the main question was ordered.

Question recurring on the substitute amendment by Mr. Kerr, it was adopted.

Question then recurring on the amendment by Mr. Riviere, as substituted, it was adopted.

Mr. Kerr moved to reconsider the vote by which the amendment by Mr. Riviere, as substituted, was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Hartzog offered the following amendment to the committee amendment:

Amend Senate Joint Resolution No. 12, by adding a new Section between Section 7, and Section 8, to be known as Section 7a, and to read, as follows:

"Sec. 7a. There is hereby levied an occupation tax upon each marble machine as hereinafter defined to be paid to the Comptroller of the State of Texas upon the following basis:

(a) For each such machine or table in which a coin or any other type of token may be used, the value of which token or coin does not exceed Five Cents (\$0.05), a tax of Thirty (\$30.00) Dollars per annum.

(b) The owner of marble machines as herein defined shall annually pay to the State Comptroller an occupation tax upon the following basis:

1 to 4 machines.....	\$ 25.00
4 to 10 machines.....	100.00
10 to 25 machines.....	150.00
25 to 50 machines.....	250.00
50 to 100 machines.....	350.00
100 to 250 machines.....	500.00
250 to 500 machines.....	750.00
Over 500 machines.....	1200.00

(c) Nothing herein contained shall authorize the operation in this State of any slot machine or other machine or table which is not included within the definition of a marble machine as herein set out. The term "marble machine" is any machine or table which contains a projector or plunger with a spring attachment by which a marble or marbles are shot into a

playing field which requires some element of skill in playing or shooting the marble or marbles to certain positions or position on the playing field of such machine or table and by the ultimate operation of which machine or table the player or players may receive prizes, and which machine or table requires the placing of some coin or coins or some other type of token or tokens therein to permit its operation. No license shall be issued for any marble machine, the operation of which or result of such operation delivers to or rewards any palyer or players with money; but such licenses shall be issued only to marble machines that reward the player or players with merchandise or with tokens that are redeemable in merchandise.

(d) Any county, city, or town, or municipality in which machine is operated is hereby authorized to levy and collect an occupation tax not to exceed one-half (1/2) of the amount herein provided for each such machine so operated, displayed, or exhibited. Provided that the tax herein authorized and imposed shall be in lieu of any other occupation tax imposed by the State or any political subdivision thereof on such machines and tables.

(e) The Comptroller of the State shall make such rules and regulations as may be necessary to collect the taxes herein proposed, and shall be entitled to retain the necessary and proper expenses incurred in the enforcement of this tax.

(f) The Legislature shall enact laws making it unlawful for the owner or operator to permit or to allow any minor to play or operate such machine or to permit the operation of such machine within three hundred (300) feet of any church or public school building in this State.

(g) Provided further that any county, city, town or village, or other political subdivision of this State may, under the general laws of this State, hold local option election, for the purpose of declaring the operation of marble machines, as above defined, illegal or to re-legalize their use and operation in such county, city, town or village, or other political subdivision of this State; and the Legislature shall provide for adequate penalty for the operation of such marble

machines in the locality where they are voted to be illegal."

HARTZOG,
BELL.

Question--Shall the amendment by Mr. Hartzog be adopted?

MESSAGE FROM THE SENATE

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 166.

The following have been appointed, on the part of the Senate: Senators Winfield, Isbell, Pace, Martin and Beck.

Respectfully,

BOB BARKER,
Secretary of the Senate.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 166

Mr. Isaacks submitted the following Conference Committee Report on House Bill No. 166:

To the President of the State Senate and Speaker of the House of Representatives:

We, your Free Conference Committee on House Bill No. 166, report, as follows:

It is unanimously agreed by the Conferees of both Houses that said bill be amended in the following particulars:

1. Amend the caption thereof by inserting in said caption after the word "bonds," in third line from the end of said caption, the following: "vesting the issuance thereof exclusively in the Board of Trustees."

2. Amend Section 5 of said bill by inserting after the word "town," in line 2 of said Section, page 4, the following: "located in any county having a population of not less than one hundred twenty thousand (120,000) and not more than one hundred thirty-three thousand (133,000) as shown by the last preceding United States Census."

As above amended, we recommend that said bill do pass.

The lines, Sections and pages used above refer to House Bill No. 166 as enrolled and signed by the President of the Senate and the Speaker of the House, and certified by the Chief Clerk of the House and Secretary of the Senate and recalled from the Governor's office by concurrent resolution.

WINFIELD,
ISELL,
BECK,
PACE,
MARTIN,
Senate Conferees.

LOGGINS,
MONTGOMERY,
BRIDGERS,
BROWN of Cherokee,
ISAACKS,
House Conferees.

On motion of Mr. Isaacks, the report was adopted by the following vote:

Yeas—131

Allen	Faulkner
Allison	Felty
Alsup	Fielden
Anderson	Fuchs
Bailey	Galbreath
Baker	Gilmer
of Fort Bend	Goodman
Baker of Grayson	Gordon, Mrs.
Bell	Hamilton
Blankenship	Hankamer
Boethel	Hardeman
Bond	Hardin
Boyd	Harp
Boyer	Harper
Bradbury	Harrell of Bastrop
Bradford	Harrell of Lamar
Bray	Harris
Bridgers	Hartzog
Brown	Heflin
of Nacogdoches	Holland
Bundy	Howard
Burkett	Howington
Burney	Hull
Cauthorn	Hunt
Clark	Isaacks
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Keith
Colquitt	Kennedy
Colson, Mrs.	Kern
Cornett	Kerr
Crossley	Kersey
Daniel	Kinard
Davis of Upshur	King
Dickison	Langdon
Dickson	Lehman
Donaghey	Leyendecker
Dowell	Little
Dwyer	Lock

Loggins	Schuenemann
London	Segrist
Mays	Shell
McAlister	Skiles
McDaniel	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McMurry	Spencer
McNamara	Stinson
Mohrmann	Stoll
Monkhouse	Talbert
Montgomery	Tarwater
Morris	Taylor
Newell	Tennant
Nicholson	Thornberry
Pace	Thornton
Petsch	Vale
Pevehouse	Vint
Piner	Waggoner
Reader of Bexar	Weldon
Reader of Erath	Wells
Reaves	Westbrook
Reed	White
Rhodes	Wilson
Roach	Winfree
Roberts	Wood
Robinson	Worley
Russell	Wright

Present—Not Voting

Corry

Absent

Broadfoot	Leonard
Brown of Cherokee	Oliver
Celaya	Pope
Chambers	Ragsdale
Davis of Jasper	Riviere
Dean	Smith of Frio
Ferguson	Turner
Hale	Voigt

Absent—Excused

Derden

HOUSE BILL NO. 161 WITH SEN- ATE AMENDMENTS

Mr. Hale moved to reconsider the vote by which the House refused to concur in Senate amendments to House Bill No. 161, and request the appointment of a Conference Committee.

The motion to reconsider prevailed.

Mr. Hale then withdrew the motion that the House do not concur in Senate amendments to House Bill No. 161.

On motion of Mr. Hale, the House then concurred in the Senate amendments by the following vote:

Yeas—134

Allen	Alsup
Allison	Anderson

Bailey	Johnson of Tarrant
Baker	Keith
of Fort Bend	Kennedy
Baker of Grayson	Kern
Bell	Kerr
Blankenship	Kersey
Bond	Kinard
Boyd	King
Boyer	Langdon
Bradbury	Lehman
Bradford	Leyendecker
Bray	Little
Bridgers	Lock
Brown of Cherokee	Loggins
Brown	London
of Nacogdoches	McAlister
Bundy	McDaniel
Burkett	McMurry
Burney	McNamara
Cauthorn	Mohrmann
Celaya	Monkhouse
Clark	Montgomery
Cleveland	Morris
Cockrell	Newell
Coleman	Nicholson
Colquitt	Oliver
Colson, Mrs.	Pace
Cornett	Petsch
Corry	Pevehouse
Crossley	Piner
Daniel	Pope
Davis of Upshur	Reader of Bexar
Dickison	Reader of Erath
Dickson	Reaves
Donaghey	Reed
Dowell	Rhodes
Dwyer	Riviere
Ferguson	Roach
Fielden	Roberts
Fuchs	Robinson
Galbreath	Russell
Gilmer	Schuenemann
Goodman	Segrist
Gordon, Mrs.	Shell
Hale	Skiles
Hamilton	Smith of Hopkins
Hankamer	Smith
Hardeman	of Matagorda
Hardin	Spencer
Harp	Stinson
Harper	Stoll
Harrell of Bastrop	Talbert
Harrell of Lamar	Tarwater
Harris	Taylor
Hartzog	Tennant
Heflin	Thornberry
Holland	Thornton
Howard	Vale
Howington	Vint
Hull	Voigt
Hunt	Waggoner
Isaacks	Weldon
Johnson of Ellis	Wells

Westbrook
White
Wilson
Winfree

Wood
Worley
Wright

Absent

Boethel	Leonard
Broadfoot	Mays
Chambers	McDonald
Davis of Jasper	McFarland
Dean	Ragsdale
Faulkner	Smith of Frio
Felty	Turner

Absent—Excused

Derden

SPECIAL COMMITTEE APPOINTED

The Speaker announced the appointment of the following committee, pursuant to House Simple Resolution No. 256, Relative to Workmen's Compensation: Messrs. Piner, Roach, Mohrmann, Smith of Hopkins and Johnson of Ellis.

BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Wells, Senate Bill No. 118 was ordered not printed.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 879, "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey and transfer all right, title and interest of whatsoever class, kind or character directly or indirectly belonging to the State of Texas, in and to that tract of land known as the Blanco State Park, which said tract of land is located in the City of Blanco, Blanco County, Texas, and declaring an emergency."

H. B. No. 903, "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; providing rules for cleaning and sterilizing dishes or utensils; prohibiting the use of cracked or broken dishes and utensils, and unlaundered napkins and unprotected napkins, straws, and other articles commonly used in eating and drinking; prohibit-

ing the use of unsterilized or broken utensils in factories; providing penalties; repealing Article 700-a, Title 12, Chapter 1, Revised Criminal Statutes of Texas; making certain exemptions; saving to the State the right to prosecute for violation prior to the repeal of these Articles; providing that if any particular Section or part of this Act is held unconstitutional or inoperative, such defect shall not affect any other Section or part of this Act, and declaring an emergency."

H. B. No. 649, "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict herewith, and declaring an emergency."

H. B. No. 872, "An Act to enlarge the jurisdiction of the County Court of Marion County, Texas, in criminal cases to enable the County Judge of Marion County, Texas, to accept pleas of guilty in all cases of misdemeanor, and declaring an emergency."

H. B. No. 884, "An Act declaring the collared peccary or javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of any peccary or part of such animal; providing a suitable penalty, and declaring an emergency."

H. B. No. 759, "An Act to amend the subject matter embraced in Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, by adding thereto three (3) new Sections to be known as Section 19-C, Section 19-D, and Section 19-E, providing for the elimination of certain wages from determination of eligibility for benefits; providing for the transfer of a portion of the Unemployment Compensation Fund to the Railroad Unemployment Insurance Account; providing for the furnishing of certain records to the Railroad Retirement Board, and declaring an emergency."

H. B. No. 829, "An Act extending the validating provisions of Articles 961 and 961a of the Revised Civil Statutes, 1925, by the addition of Article 961b; reenacting the provisions

of Articles 961 and 961a, and giving said cities, towns or villages all the powers heretofore granted to them under Title 28; validating all proceedings heretofore had by the governing bodies of all cities and towns in counties having a population of more than forty-six thousand, one hundred (46,100) and less than forty-six thousand, two hundred (46,200), according to the last preceding Federal Census, in the issuance and sale of obligations used in financing any project for which loan or grant has been made or applied for to the United States through the Federal Emergency Administrator of Public Works or any agency, department, or division of the Government of the United States; validating all tax levies to be used in the refunding of said obligations; exempting all pending litigation, and declaring an emergency."

H. B. No. 359, "An Act to amend Article 5420 of the Revised Civil Statutes of Texas, 1925, by requiring that all suits under said Article and under Article 5419 of the Revised Civil Statutes of Texas, 1925, hereafter filed, be brought in the county in which the land involved or any part thereof may lie, and providing for the transfer from the District Court of Travis County, Texas, to the court having jurisdiction in the county in which the land or any part thereof may lie of cases heretofore filed by the State in the District Court of Travis County, Texas, under said Articles and not yet tried in the trial court on motion of any party to any such cause, and providing for the hearing and disposition of such motion, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 541, "An Act amending Article 6871, Title 120, Revised Civil Statutes, 1925, and declaring an emergency."

H. B. No. 941, "An Act to amend House Bill No. 832, Chapter 426, of the General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937, by adding six (6) new Sections to be known as Sections 10A, 10B, 10C, 10D, 10E, and 10F, to authorize the San Jacinto River Conservation and Reclamation District, a State Agency, to negotiate and deal with the United States of America or any of its agencies and/or others, to aid in securing funds to make investi-

gations and in acquiring the necessary lands, leases, easements and/or acquitances, public structures and reservoirs suitable for the control of flood waters for the San Jacinto watersheds declared to be a public calamity; authorizing the District to issue negotiable revenue bonds; provide that the District shall not mortgage or otherwise encumber any of its properties, other than its revenues; providing how the District may acquire lands, leases, easements, properties and power and right of eminent domain; granting additional powers under said Act, and declaring an emergency."

H. B. No. 888, "An Act defining coloring matter and its composition, manufacture, sale and use in connection with citrus fruit; providing for the analysis of such coloring matter by the Commissioner of Agriculture and for the licensing of the manufacturers thereof; prescribing the form and amount of bond to be given by such manufacturers; prohibiting the use of harmful coloring matter on citrus fruit; prescribing the maturity of fruit to which such coloring matter is applied; authorizing the Commissioner of Agriculture to issue rules and regulations pursuant to such Act; providing for the enforcement thereof by the Chief of Maturity Division and other agents of the Commissioner of Agriculture and fixing compensation of such Chief for so doing; etc., and declaring an emergency."

H. B. No. 1001, "An Act conveying to the United States of America the free and uninterrupted use, liberty, and easement of, in, and to that certain area of three (3) miles square or larger in Nueces County Navigation District, in Nueces Bay, in Nueces County, Texas, for the erection and establishment of forts, military stations or camps, magazines, arsenals, dock yards, barracks, light houses, naval yards, naval bases, naval air bases or stations, channels, approaches for battleships, or for other needful military purposes; providing for failure or refusal for the erection of such forts, stations, arsenals, naval bases, naval air bases or stations, and other needful military structures; providing for the conveyance by the Governor of Texas of such area; providing for the retention of all oil, gas and minerals; making such conveyance subject to the limitation of cer-

tain statutes of the State; providing approval by the Legislature of such conveyance; providing for the reversion of said area to the State of Texas under certain contingencies, and declaring an emergency."

H. B. No. 987, "An Act to create and establish a perpetual, public charitable, non-profit body corporate, to be denominated 'Navarro Community Foundation', domicile at Corsicana, Navarro County, Texas, of which Frank Neal Drane, now deceased, was the initial patron-donor; naming the trustees of said Foundation; empowering said Foundation to extend its aid to any one or more or all of the following public charitable purposes: (1) Religion, (2) education, (3) relief of human suffering, (4) public civic betterment, (5) relief of the worthy poor through organized agencies, (6) the aid of scientific endeavor for the betterment of mankind; empowering said Navarro Community Foundation to own, acquire and dispose of property in furtherance of its purposes, and authorizing it to sue and be sued in its corporate capacity; extending its facilities to and inviting the aid of other patron-donors inclined to support its charitable purposes; providing that its Board of Managing Trustees shall be self-perpetuating and shall never be less than five (5) nor more than thirteen (13) in number; defining the powers and duties of members of the Board of Managing Trustees; providing for the absorption, merger, consolidation, dissolution and/or liquidation of Navarro Community Foundation; declaring this Act to be a public one, judicial notice of which shall be taken in all courts; exempting from taxation the properties and assets, income and corpus, of Navarro Community Foundation, and declaring an emergency."

H. B. No. 533, "An Act providing for the creation of the office of Criminal District Attorney in counties having a population of not less than thirty-two thousand (32,000) and not more than seventy-five thousand (75,000) inhabitants, according to the last preceding Federal Census, and declaring an emergency."

H. B. No. 742, "An Act changing the name of the State Juvenile Training School to be hereafter known as the Gatesville State School for Boys."

H. B. No. 877, "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than ten thousand, three hundred and fifty (10,350) and not more than ten thousand, three hundred and eighty (10,380), according to the last preceding Federal Census; providing for the payment of such salary from the Available School Fund of such county; providing for office and traveling expenses to be paid out of the Available School Fund; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 862, "An Act authorizing Precinct No. 4 in Lipscomb County, Texas, by vote of the people to determine whether or not they will authorize in said Precinct, the issuance of bonds and levying and collection of the tax not to exceed ten (10c) cents on the One Hundred (\$100.00) Dollar valuation on all property in said Precinct; providing interest on said bonds; providing tax to apply on real and personal property; providing for purchase of site within said Precinct; providing election authorizing construction of lake and recreational park, and declaring an emergency."

H. B. No. 955, "An Act establishing, authorizing and providing for Junior Colleges in connection with the independent school districts now established, or hereafter to be established and located in all counties in this State having a population of not less than thirty-four thousand, one hundred and fifty (34,150) and not more than thirty-four thousand, two hundred (34,200), according to the last Federal Census, or any subsequent Federal Census, and where the school buildings and grounds of such independent school districts are located, in whole or in part in a town or city having a population of not less than six thousand and forty (6,040) and not more than six thousand and seventy (6,070), according to the last Federal Census or any subsequent Federal Census; authorizing the creation and establishing by the Board of Trustees of such independent school districts as hereinabove defined, a Junior College. Providing the Board of Trustees of the independent school districts embraced within this Act shall comprise a Board of Trustees

for the Junior Colleges; etc., and declaring an emergency."

H. B. No. 679, "An Act to amend Article 7255 of the Revised Civil Statutes of 1925, by providing that the Commissioners' Court of a county may order the Tax Assessor and Collector of said county to post notices in each voting or justice precincts in said county of the date when said Assessor and Collector of Taxes will meet with taxpayers in said precinct for the purpose of receiving taxes, and declaring an emergency."

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Loggins and Mr. Ragsdale:

H. B. No. 1052, A bill to be entitled "An Act validating the subdivision of common county line school districts partly situated in two (2) counties, the supervision of said schools being located in counties having a population of not less than thirty thousand, ten (30,010) and not more than thirty thousand, thirty (30,030), as shown by the last preceding Federal Census; validating the acts of the County School Boards of Trustees of such counties in annexation of such subdivided territory to adjoining school districts in their respective counties; validating the acts of County School Boards of Trustees of such county; validating all elections, tax assessments, assessment rolls, tax rolls, and the levy of taxes by said districts; validating all proceedings had in the issuance of bonds and the levy of taxes therefor; validating the issuance of refunding bonds for the purpose of the assumption of bonded indebtedness of such county line school districts; provided a saving clause, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Davis of Upshur:

H. B. No. 1053, A bill to be entitled "An Act redefining and reestablishing the Union Grove Common School District in Upshur County, Texas, redefining its boundaries, providing that all bonds heretofore voted in said District shall remain in full force and effect against the territory of said

District which voted same, providing for the assumption of said bonds by said District, providing for the payment of its proportion of the bonded indebtedness according to the valuation and assessment of the Glade-water Independent School District, providing a saving clause, and repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on School Districts.

Mr. Harris asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1054.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Harris and Mr. Harp:

H. B. No. 1054, A bill to be entitled "An Act providing for the payment of the traveling expenses of the Court Reporter of the 110th Judicial District of Texas, composed of Briscoe, Motley, Dickens and Floyd Counties, and declaring an emergency."

Referred to the Committee on Judicial Districts.

Mr. Langdon asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1055.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Langdon:

H. B. No. 1055, A bill to be entitled "An Act providing certain regulations for the operation of boats on navigable streams and public lakes of this State; providing certain limitations for the operation of same; providing for the enforcement of the provisions of this Act and a suitable penalty for any violation of same; providing for reports of any convictions made hereunder; repealing all conflicting laws, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

Mr. Howard asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1056.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Howard:

H. B. No. 1056, A bill to be entitled "An Act making an appropriation of Thirteen Thousand (\$13,000.00) Dollars, or so much thereof as may be necessary, out of the Professional Engineers Fund on deposit in the State Treasury, to pay certain expenses prior to the end of the fiscal year, August 31, 1939, and declaring an emergency."

Referred to the Committee on Appropriations.

RECESS

Mr. Wright moved that the House recess until 7:30 o'clock p. m., today.

Mr. Thornton moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Harrell of Lamar moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, it was lost.

Question then recurring on the motion to recess until 7:30 o'clock p. m., today, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—64

Allen	Dowell
Allison	Fielden
Bailey	Fuchs
Baker	Gordon, Mrs.
of Fort Bend	Hale
Baker of Grayson	Hamilton
Boethel	Hardeman
Boyd	Harper
Bradbury	Hunt
Bradford	Isaacks
Brown of Cherokee	Kern
Bundy	Kersey
Burkett	King
Burney	Langdon
Cauthorn	Lehman
Chambers	Lock
Cleveland	McAlister
Cockrell	McDaniel
Coleman	Mohrmann
Colson, Mrs.	Morris
Cornett	Oliver
Crossley	Pevehouse
Davis of Jasper	Piner
Davis of Upshur	Pope

Ragsdale	Tarwater
Reader of Erath	Taylor
Reaves	Thornberry
Riviere	Weldon
Roach	Wells
Russell	Wood
Smith of Hopkins	Worley
Spencer	Wright
Stoll	

Nays—78

Alsup	Kerr
Anderson	Kinard
Bell	Leonard
Blankenship	Loggins
Boyer	London
Bray	Mays
Bridgers	McDonald
Broadfoot	McFarland
Brown	McMurry
of Nacogdoches	McNamara
Celaya	Monkhouse
Clark	Montgomery
Colquitt	Newell
Corry	Nicholson
Daniel	Pace
Dickison	Petsch
Dickson	Reader of Bexar
Donaghey	Reed
Dwyer	Rhodes
Faulkner	Roberts
Ferguson	Robinson
Galbreath	Schuenemann
Gilmer	Segrist
Goodman	Skiles
Hankamer	Smith of Frio
Hardin	Smith
Harp	of Matagorda
Harrell of Bastrop	Stinson
Harrell of Lamar	Talbert
Harris	Tennant
Hartzog	Thornton
Heflin	Turner
Holland	Vale
Howard	Vint
Howington	Voigt
Hull	Waggoner
Johnson of Ellis	Westbrook
Johnson of Tarrant	White
Keith	Wilson
Kennedy	Winfree

Absent

Bond	Leyendecker
Dean	Little
Felty	Shell

Absent—Excused

Derden

Question next recurring on the motion to recess until 10:00 o'clock a. m., tomorrow, it prevailed, and the House, accordingly, at 5:15 o'clock p. m., took

recess to 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Claims and Accounts: House Bill No. 723.

Education: House Bills Nos. 441, 1043 and 1049.

State Affairs: House Bills Nos. 1047, 1048 and 1051.

Conservation and Reclamation: House Bill No. 1050.

Livestock and Stock Raising: House Bill No. 846.

The Committee on Constitutional Amendments filed an adverse report on House Joint Resolution No. 29.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1038, A bill to be entitled "An Act making an appropriation for the Texas Relief Commission, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 2, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 885, "An Act authorizing County Commissioners Courts and the City Commission of any incorporated town or city to lease or rent of office space for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief of the unemployed and needy people in the State of Texas, and to

pay the regular monthly utility bills for such offices, such as lights, gas, and water; to pay for such leases, rentals, and utilities out of the General Fund when in the opinion of a majority of the Commissioners Court such is essential to the proper administration of such agencies of either the State or Federal Governments; providing for the validation of all actions, proceedings, orders, and contracts for such rentals, leases, or utility bills heretofore made by any Commissioners Court; providing that if any part of this Act shall ever be held unconstitutional, such holding shall not affect the validity of the remaining portions of the Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 2, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 333, "An Act amending Article 875, Title 13, Chapter 6 of the Penal Code of the State of Texas of 1925, to include in the unprotected list certain birds not now included, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 829, "An Act amending Article 961, Revised Civil Statutes of Texas of 1925, by adding thereto Article 961b validating the actions of corporate cities, towns, or villages in counties having a population of more than forty-six thousand, one hundred (46,100) and less than forty-six thousand, two hundred (46,200) according to the last preceding Federal Census, which have attempted to accept the provisions of Title 28 of the Revised Civil Statutes of Texas of 1925, and giving said cities, towns, or villages all the powers of cities and towns as provided in said Title 28; validating all corporate actions taken by such cities and towns and villages after the passage of the ordinance

or resolution accepting the benefits of said Title; validating all proceedings heretofore had by the governing bodies of all cities and towns in the State of Texas in the issuance and sale of bonds to aid in financing any project and/or projects for which loan or grant has been made or applied for to the United States through the Federal Emergency Administrator of Public Works or any agency, department, or division of the Government of the United States of America; validating all tax levies to be used in the refunding of said obligations; exempting all pending litigations, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 955, "An Act establishing, authorizing, and providing for junior colleges in connection with the independent school districts now established, or hereafter to be established, and located in all counties in this State having a population of not less than thirty-four thousand, one hundred and fifty (34,150) and not more than thirty-four thousand, two hundred (34,200) according to the last Federal Census or any subsequent Federal Census, and where the school buildings and grounds of such independent school districts are located, in whole or in part, in a town or city having a population of not less than six thousand and forty (6,040) and not more than six thousand and seventy (6,070) according to the last Federal Census or any subsequent Federal Census; authorizing the creation and establishment by the boards of trustees of such independent school districts, as hereinabove defined, of a junior college; providing the boards of trustees of the independent school districts embraced within this Act shall comprise a board of trustees for the junior colleges; providing the junior colleges authorized herein shall be operated exclusively by tuition, grants, gifts, or donations and shall never become a charge against the State, or require appropriations therefrom; providing number of departments for such junior colleges; pro-

viding qualifications of teachers in such junior colleges; providing minimum number of students in such colleges; providing minimum taxable values for such districts; providing for enlargement of such districts; providing for approval by the State Board of Education with the advice of the State Superintendent; providing for mode and manner of collecting taxes for such districts; making said law cumulative of all laws and parts of laws now in force in this State with reference to the creation of junior colleges, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1001, "An Act conveying to the United States of America the free and uninterrupted use, liberty, and easement of, in, and to that certain area of three (3) miles square or larger in Nueces County Navigation District, in Nueces Bay, in Nueces County, Texas, for the erection and establishment of forts, military stations or camps, magazines, arsenals, dock yards, barracks, light-houses, navy yards, naval bases, naval air bases or stations, channels, approaches for battleships, or for other needful military purposes; providing for failure or refusal for the erection of such forts, stations, arsenals, naval bases, naval air bases or stations, and other needful military structures; providing for the conveyance by the Governor of Texas of such area; providing for the retention of all oil, gas, and minerals; making such conveyance subject to the limitation of certain Statutes of the State; providing approval by the Legislature of such conveyance; providing for the reversion of said area to the State of Texas under certain contingencies, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 987, "An Act to create and establish a perpetual, public charitable, nonprofit Body Corporate, to be denominated 'Navarro Community Foundation,' domiciled at Corsicana, Navarro County, Texas, of which Frank Neal Drane, now deceased, was the initial patron-donor; naming the trustees of said Foundation; empowering said Foundation to extend its aid to any one or more or all of the following public charitable purposes: (1) religion, (2) education, (3) relief of human suffering, (4) public civic betterment, (5) relief of the worthy poor through organized agencies, (6) the aid of scientific endeavor for the betterment of mankind; empowering said Navarro Community Foundation to own, acquire, and dispose of property in furtherance of its purposes, and authorizing it to sue and be sued in its corporate capacity; extending its facilities to and inviting the aid of other patron-donors inclined to support its charitable purposes; providing that its Board of Managing Trustees shall be self-perpetuating and shall never be less than five (5) nor more than thirteen (13) in number; defining the powers and duties of members of the Board of Managing Trustees; providing for the absorption, merger, consolidation, dissolution, and/or liquidation of Navarro Community Foundation; declaring this Act to be a public one, judicial notice of which shall be taken in all courts; exempting from taxation the properties and assets, income and corpus, of Navarro Community Foundation; providing a saving clause; providing for continuance of Articles of Association in the event of invalidity of the Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 941, "An Act to amend House Bill No. 832, Chapter 426, of

the General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937, by adding six (6) new Sections to be known as Sections 10a, 10b, 10c, 10d, 10e, and 10f, to authorize the San Jacinto River Conservation and Reclamation District, a State Agency, to negotiate and deal with the United States of America or any of its agencies and/or others, to aid in securing funds to make investigations and in acquiring the necessary lands, leases, easements, and/or acquaintances, public structures and reservoirs suitable for the control of floodwaters for the San Jacinto watersheds declared to be a public calamity; authorizing the District to issue negotiable revenue bonds; providing that the District shall not mortgage nor otherwise encumber any of its properties, other than its revenues; providing how the District may acquire lands, leases, easements, properties, and power and right of eminent domain; granting additional powers under said Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 939, "An Act amending Article 6625 of the 1925 Revised Civil Statutes of Texas by adding thereto a new Article 6625a providing for the recording of certified copies of instruments affecting real estate which have been previously filed for record without the State of Texas or in counties other than those in which such real estate is located, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 929, "An Act to prohibit cities, towns, and villages from dedicating or establishing thoroughfares

or public streets and/or alleys through certain parks commonly known as amusement parks, which include land the title to which is in the State of Texas on which is situated buildings owned by the State in the construction of which as much as Fifty Thousand (\$50,000.00) Dollars has been expended, unless and until approved by a majority vote of the qualified voters of such cities, towns and villages; providing the Act shall not apply to the campus of any educational institution or the grounds of any eleemosynary institution; and to prevent general vehicular traffic through same; and permitting cities, towns, and villages to otherwise regulate vehicular traffic in parks; repealing all laws and parts of laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 903, "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; defining terms; providing rules for cleaning and sterilizing dishes or utensils; prohibiting the use of cracked or broken dishes and utensils, and unlaundered napkins and unprotected napkins, straws, and other articles commonly used in eating and drinking; prohibiting the use of unsterilized or broken utensils in factories; providing penalties; repealing Article 700a, Title 12, Chapter 1, Revised Civil Statutes of Texas; making certain exemptions; saving to the State the right to prosecute for violation prior to the repeal of these Articles; providing that if any particular Section or part of this Act is held unconstitutional or inoperative, such defect shall not affect any other Section or part of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 893, "An Act authorizing the Commissioners Court of counties having a population of not less than two hundred and ninety thousand (290,000) and not more than three hundred and twenty thousand (320,000), according to the last preceding Federal Census, to appoint a County Building Inspector and assistants; providing for the payment of salary to such appointees; providing for the issuance of building permits by such Inspector, and authorizing a charge therefor; exempting Federal, State, county, city governments and other political subdivisions thereof from the provisions of this Act; prescribing penalties for failure to secure permits, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 888, "An Act defining coloring matter and its composition, manufacture, sale, and use in connection with citrus fruit; defining other terms as used in this Act; providing for the analysis of such coloring matter by the Commissioner of Agriculture and for the licensing of the manufacturers thereof; making it unlawful to use any dye or color not certified by the United States Department of Agriculture; providing cost of analysis to be paid by manufacturer; providing formula to be furnished Commissioner; prescribing the form and amount of bond to be given by such manufacturers; prohibiting the use of harmful coloring matter on citrus fruit; prescribing the maturity of fruit to which such coloring matter is applied; authorizing the Commissioner of Agriculture to issue rules and regulations pursuant to such Act; providing for the enforcement thereof by the Chief of Maturity Division and other agents of the Commissioner of Agriculture and fixing compensation of such

Chief for so doing; providing for the inspection of citrus fruit treated with coloring matter and assessing the cost of enforcing the Act against such fruit so treated; providing for disposition of funds; providing for the branding of fruit treated with coloring matter and containers in which it is shipped and prohibiting the application of unauthorized coloring matter to citrus fruit; declaring citrus fruit which does not comply with the Act to be dangerous to public health and a public nuisance and providing for disposition of same; providing penalties for violation of the Act; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 884, "An Act declaring the collared peccary or javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of any peccary or part of such animal; providing a suitable penalty, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 879, "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, and transfer all right, title, and interest of whatsoever class, kind, or character directly or indirectly belonging to the State of Texas, in and to that tract of land known as the Blanco State Park, which said tract of land is located in the City of Blanco, Blanco County, Texas; providing for reversion of title to said Park to the State upon failure of the city to continue levying the tax for maintenance of

the Park, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 877, "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than ten thousand, three hundred and sixty (10,360) and not more than ten thousand, three hundred and eighty (10,380), and in each county having a population of not less than ten thousand, three hundred and ninety-nine (10,399) and not more than ten thousand, four hundred and ninety-nine (10,499) inhabitants, according to the last preceding Federal Census; providing for the payment of such salary from the Available School Fund of such county; providing for payment of salaries in monthly installments; providing certain salary shall not be paid until certain reports have been made; providing for office and traveling expenses to be paid out of the Available School Fund; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 872, "An Act to enlarge the jurisdiction of the County Court or Marion County, Texas, in criminal cases to enable the County Judge of Marion County, Texas, to accept pleas of guilty in all cases of misdemeanor; providing for fees to County Judge in certain cases; providing fees for other officers of the Court shall be the same as now provided by laws of the State, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 862, "An Act authorizing Precinct No. 4 in Lipscomb County, Texas, by vote of the people to determine whether or not they will authorize in said Precinct, the issuance of bonds and levying and collection of the tax not to exceed ten (10) cents on the One Hundred (\$100.00) Dollars valuation on all property in said Precinct; providing interest on said bonds; providing tax to apply on real and personal property; providing for purchase of site within said Precinct; providing election authorizing construction of lake and recreational park; enacting all provisions necessary for the issuance and payment of said bonds, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 759, "An Act to amend the subject matter embraced in Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, by adding thereto three (3) new Sections to be known as Section 3a, Section 9a, and Section 11a, providing for the elimination of certain wages from determination of eligibility for benefits; providing for the transfer of a portion of the Unemployment Compensation Fund to the Railroad Unemployment Insurance Account; providing for the furnishing of certain records to the Railroad Retirement Board, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 742, "An Act changing the name of the State Juvenile Train-

ing School to be hereafter known as the Gatesville State School for Boys, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 715, "An Act amending Article 199, Revised Civil Statutes of Texas, 1925, as amended by the Forty-fifth Legislature, Regular Session, Senate Bill No. 431, in so far as the same relates to the Seventy-sixth Judicial District composed of Titus, Franklin, Camp, Morris, and Marion Counties; providing certain changes in the terms for said Counties; providing that this Act shall take effect on July 2, 1939; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 698, "An Act to declare it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Parker County for a period of four (4) years from and after April 15, 1940, and in Stephens County from and after the passage of this Act; providing for the protection of pastures, crops, and/or gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 679, "An Act to amend Article 7255 of the Revised Civil

Statutes of Texas of 1925, by providing that the Commissioners Court of a county may order the Tax Assessor and Collector of said County to post notices in each voting or justice precinct in said County of the date when said Assessor and Collector of Taxes will meet with taxpayers in said precinct for the purpose of receiving taxes, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 649, "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 622, "An Act amending Section 2, Article 2326e, of the Revised Civil Statutes of Texas, 1925, as amended, providing for salaries of reporters in certain counties, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 541, "An Act amending Article 6871, Title 120, Revised Civil Statutes of the State of Texas, 1925; providing a penalty for violation of the Act by anyone charged with en-

forcing it; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 533, "An Act providing for the creation of the office of Criminal District Attorney in counties having a population of not less than forty-eight thousand, five hundred and twenty-five (48,525) and not more than forty-eight thousand, five hundred and fifty (48,550) inhabitants according to the last preceding Federal Census, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 359, "An Act to amend Article 5420 of the Revised Civil Statutes of Texas, 1925, by requiring that all suits under said Article and under Article 5419 of the Revised Civil Statutes of Texas, 1925, hereafter filed, be brought in the county in which the land involved or any part thereof may lie; providing that nothing in this Act shall affect or apply to any suit or suits now pending; repealing all laws in conflict to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 6, "An Act amending Article 835c, Revised Civil Statutes of Texas of 1925, Acts of the Forty-first Legislature, 1930, Fifth Called Session, Chapter 10, page 125, providing that cities or counties in this State, acting by or through the gov-

erning body of such city or county, may donate lands to the State of Texas or United States of America for hospital purposes; and validating prior donations of contracts to donate whether consummated by conveyance, condemnation, or otherwise, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 72, Granting L. L. White, his heirs, executors, and administrators permission to bring suit against the State of Texas and the Highway Commission of Texas.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 123, Extending greetings to the Texas Cowboy Band and in turn asking them to extend greetings to people in all the States through which they travel.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

May 3, 1939

House Bill No. 95.

House Bill No. 6.

House Bill No. 715.

House Bill No. 929.

House Bill No. 679.

House Bill No. 885.

House Bill No. 622.

House Bill No. 893.

House Bill No. 939.

House Bill No. 698.

House Concurrent Resolution No. 72.

House Concurrent Resolution No. 123.